



# MEMORANDUM

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TO: John Iurino  
Zoning Examiner

DATE: October 24, 2018  
For November 8, 2018 Hearing

FROM: Scott Clark  
Planning & Development Services  
Interim Director

SUBJECT: REZONING – PLANNING & DEVELOPMENT SERVICES REPORT  
C9-18-12 Bonanza 550 LLC – Bonanza Avenue, SR to RX-2 (Ward 2)

**Issue** – This is a request by Chuck Martin of Rick Engineering, on behalf of the property owner, Bonanza 550 LLC, to revise the rezoning application for approximately 10.4 acres from SR to RX-2 zoning. It was originally submitted with a request for R-1 zoning. The rezoning site is located on the southeast corner of Bonanza Avenue and Colette Street (see Case Location Map). The revised preliminary development plan (PDP), dated October 11, 2018, proposes a single-family residential subdivision with twenty-three homes at a density of 2.21 units per acre, with all homes being single-story at a maximum height of 22 feet. The initially submitted application requested R-1 zoning with a PDP, dated July 2, 2018, showing twenty-nine single-family homes at a density of 2.79 units per acre, with sixteen of the homes, near the perimeter of the rezoning site, proposed as single-story homes, and the remaining thirteen proposed as two-story homes with a maximum height of 25 feet. The change to a requested RX-2 zoning classification, with a reduction in residential density and structure height, resulted from previously held Zoning Examiner hearings as well as meetings with nearby property owners and neighborhood representatives. Revisions to the rezoning application and PDP were made to address concerns expressed by neighbors at these hearings and meetings.

**Planning & Development Services Department Recommendation** – The Planning & Development Services Department recommends approval of RX-2 zoning, subject to the attached preliminary conditions.

## **Background Information**

Existing Land Use: Vacant

### Zoning Descriptions

SR: This zone provides for very low density, large lot, single-family, residential development and suburban ranch uses. Uses that would adversely affect the open space, agricultural, or natural characteristics of this zone shall not be permitted.

RX-2: This zone provides for suburban, low density, single-family, residential development, agriculture, and other compatible neighborhood uses.

### Surrounding Zones and Land Uses:

North: Zoned RX-1; Single-family residential and religious use

South: Zoned RX-1; Single-family residential

East: Zoned RX-1; Single-family residential

West: Zoned R-1; Single-family residential

**Applicant's Request** – The applicant proposes to rezone 10.4 acres from SR to RX-2 to allow a single-family residential subdivision with 23 one-story homes at a density of 2.21 units per acre. The homes are proposed with one-story construction at a maximum height of 22 feet.

**Planning Considerations** – Land use policy direction for this area is provided by the *Pantano East Area Plan (PEAP)* and *Plan Tucson (PT)*. The rezoning site is located in an “Existing Neighborhood” as identified on the Future Growth Scenario Map of *PT*. Existing Neighborhoods are primarily developed and largely built-out residential neighborhoods where minimal new development and redevelopment is expected in the next several decades. The goal is to maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment, new services and amenities that contribute further to neighborhood stability. Within Existing Neighborhoods, *PT* supports infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines. *PT* policies protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses. Policies also promote quality and safety in design, compatibility with and adequate buffering of surrounding development, the planting and management of healthy, attractive urban vegetation, and the conservation and enhancement of environmentally sensitive habitat.

The goal of the *Pantano East Area Plan* is to preserve the integrity of established neighborhoods and promote residential infill of vacant land where adequate provisions of streets and utilities are available, and to promote low-density residential developments within the interior of established low-density neighborhoods. In addition, the *PEAP* promotes residential clustering and design flexibility in development by encouraging the use of planned unit developments, lot development options, and residential development projects that include defensible space concepts. The *PEAP* defines low-density residential as up to six units per acres. At 2.21 units per acre, the proposed density is supported by the *PEAP* if project design is compatible with the adjacent development.

The rezoning site is surrounded on three sides by local streets—Bonanza Avenue to the west, Constitution Avenue along a portion of the east perimeter, and Colette Street along a portion of the north perimeter. Vehicular access will be by way of new public streets from Bonanza Avenue to the west and Constitution Avenue to the east. Two lots will have direct access to Bonanza Avenue. There is no direct access proposed to Colette Street to the north.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate approximately 220 vehicle trips per day.

### **Design Considerations**

Land Use Compatibility – The rezoning site is roughly square in shape and as noted above is bounded by public streets on the west side, a portion of the north side, and a portion of the east side. The area surrounding the rezoning site to the east, south, and north is low-density, detached single-family residential development zoned RX-1 at a density of approximately 1 to 1.5 units per acre. There is also a church located across Colette Street to the north of the site on the northeast corner of Bonanza Avenue and Colette Street. To the west of the subject rezoning site, is a detached single-story, single-family residential subdivision, zoned R-1, at an approximate density of between 3 and 4 units per acre.

The Design Compatibility Report (DCR) proposes 23 lots, with detached one-story homes, designed with variations and diversity in architecture, incorporating energy conservation techniques, and with transitions in building heights and density. The RX-2 zone allows a maximum structure height of 25 feet. The adjacent RX-1 zoning allows a maximum height of 30 feet. Staff recommends that all lots be limited to one-story construction, with a structure height no greater than 22 feet, as shown on the revised Preliminary Development Plan dated October 11, 2018.

The applicant has held multiple neighborhood meetings. The early meetings presented a higher density residential subdivision with R-1 zoning proposed. At the first meeting, the applicant presented a concept plan showing 40 lots at a density of approximately 3.8 RAC, with homes limited to single-story only along the east half of the southern site perimeter. Issues and concerns discussed at this meeting included the proposed density, number, size, and layout of the lots, the height and number of stories of the homes, amount of open space, flooding in the wash, access to the site, perimeter walls, home prices, property values, sewer connection and capacity, timeframe of home construction, traffic flow along Bonanza Avenue, and project aesthetics.

The second meeting, many of the same issues were discussed. The applicant addressed some of the original concerns by presenting a revised plan showing a reduction in the number of homes from 40 to 29, resulting in a reduced residential density from 3.8 RAC to roughly 2.8 RAC. That revised plan also limited homes proposed near the entire site perimeter to single-story construction.

More recent meetings with the neighborhood have led to further revisions to the PDP and a resubmittal of the rezoning application requesting RX-2 (suburban residential) zoning rather than the originally requested R-1 (urban residential) zoning. In addition to proposing a more restrictive zoning classification, the revised PDP shows a further reduction in residential density (from 29 homes at 2.79 RAC to 23 homes at 2.21 RAC) and a lowering of structure height from a maximum of 25 feet, with some two-story homes, to all single-story home construction with a maximum height of 22 feet.

Drainage/Grading/Vegetation – The site is within the Este Wash watershed, which is subject to flooding. An unnamed regulatory wash (a tributary to the Este Wash), with a maximum flow rate between 500-1,000 cubic feet per second, is located within a proposed common area across the southwest corner of the site. Two detention basins are proposed along the north edge of the site. Functional open space is provided in the southwest corner of site. Existing vegetation within designated common areas, including mature canopy trees and native plants, should be preserved in place to the extent possible. A native plant preservation plan, and a drainage report addressing onsite and offsite drainage and provision of 5-year threshold runoff retention will be required.

Road Improvements/Vehicular Access/Circulation – The rezoning site is located on the east side of Bonanza Avenue, south of Colette Street, and west of Constitution Avenue. Vehicle access is proposed by way of two new 51-foot wide public streets with access onto Bonanza Avenue, and Constitution Avenue, both local streets. The nearest major arterials identified on the *Major Streets and Routes Plan* map are Speedway Boulevard, located less than ½ mile north of the site, and Houghton Road a scenic arterial located a little more than ¼ mile east of the site.

Conclusion – The proposed development is consistent with and supported by the policy direction provided in the *Pantano East Area Plan* and *Plan Tucson*. Subject to compliance with the attached preliminary conditions, approval of the requested RX-2 zoning is appropriate.

### PROCEDURAL

1. A development package/plat in general compliance with the preliminary development package dated October 11, 2018 and required reports, covering the rezoning site is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

### LAND USE COMPATABILITY

6. No two adjoining lots within the subdivision shall be developed with the same model/façade.
7. Homes shall be limited to one-story construction, not to exceed twenty-two (22) feet in height, as shown on the Preliminary Development Plan dated October 11, 2018.

### ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

8. All offsite improvements required with this development, such as street improvements, curb, sidewalk, and ADA ramps shall be coordinated with the City of Tucson's Department of Transportation.



AGREEMENT TO WAIVE ANY CLAIMS  
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between \_\_\_\_\_, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(l).

The Owner is the holder of fee title to the property located at \_\_\_\_\_, Tucson, Arizona, (the "**Property**") which is more fully described in the Owner's application to the City in Case C9-18-12 and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City rezone the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the rezoning. The Owner believes that the rezoning of the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the zoning amendment in Case C9-18-12.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested zoning that limit the potential development of the Property. The Owner acknowledges that the rezoning and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the rezoning application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the zoning if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested zoning. If the Owner withdraws the application or does not effectuate the new zoning, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case C9-18-12.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Owner:** \_\_\_\_\_

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

**Owner:** \_\_\_\_\_

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

**By:** \_\_\_\_\_

(Signature of Owner or Authorized Representative, if applicable)

**By:** \_\_\_\_\_

(Signature of Owner or Authorized Representative, if applicable)

**Its:** \_\_\_\_\_

(Title of Individual Signing in Representative Capacity)

**Its:** \_\_\_\_\_

(Title of Individual Signing in Representative Capacity)

State of Arizona )

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally appeared \_\_\_\_\_ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

\_\_\_\_\_  
Notary Public

My Commission expires:

\_\_\_\_\_

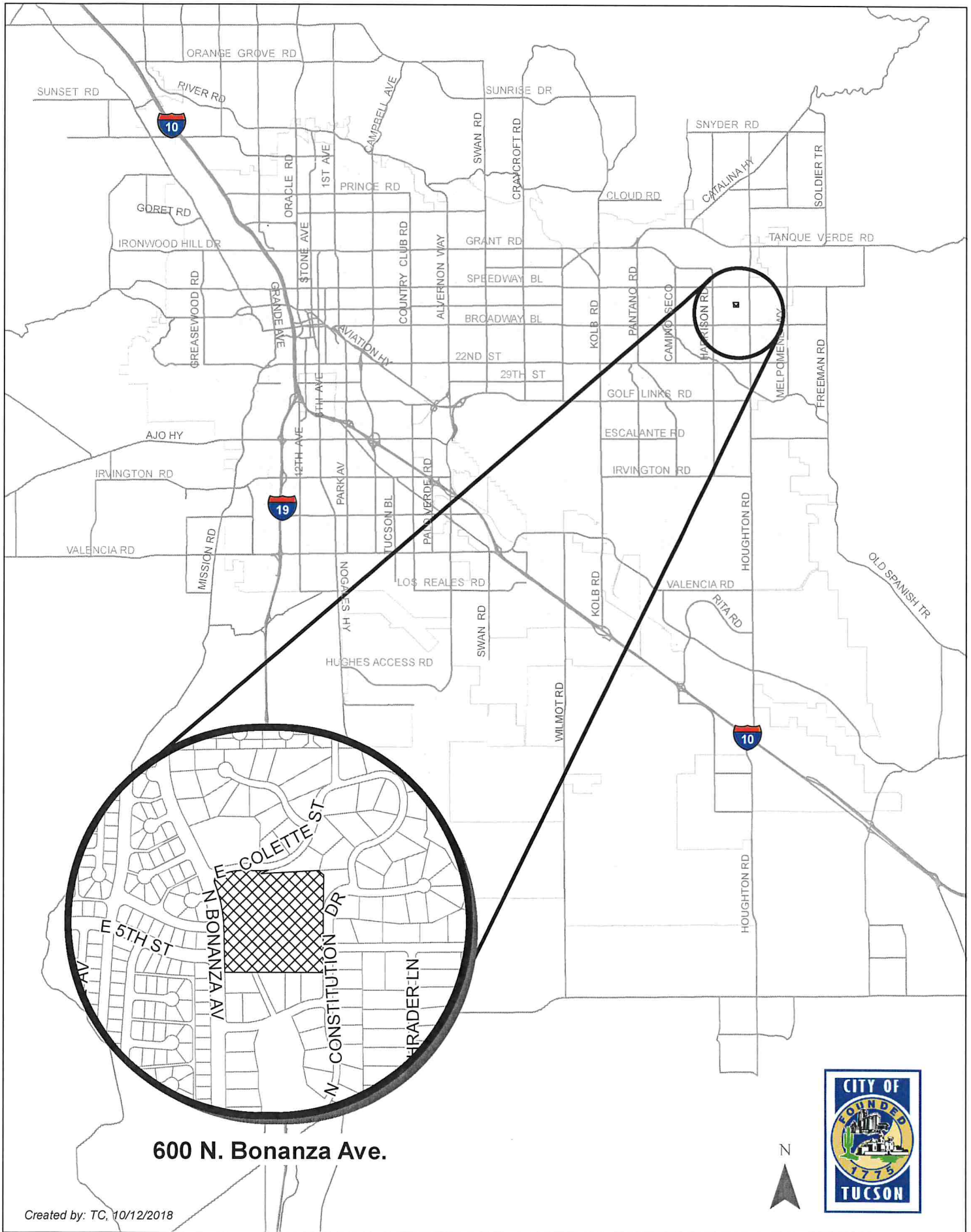
City of Tucson, an Arizona municipal Corporation:

By: \_\_\_\_\_

Planning & Development Services Department

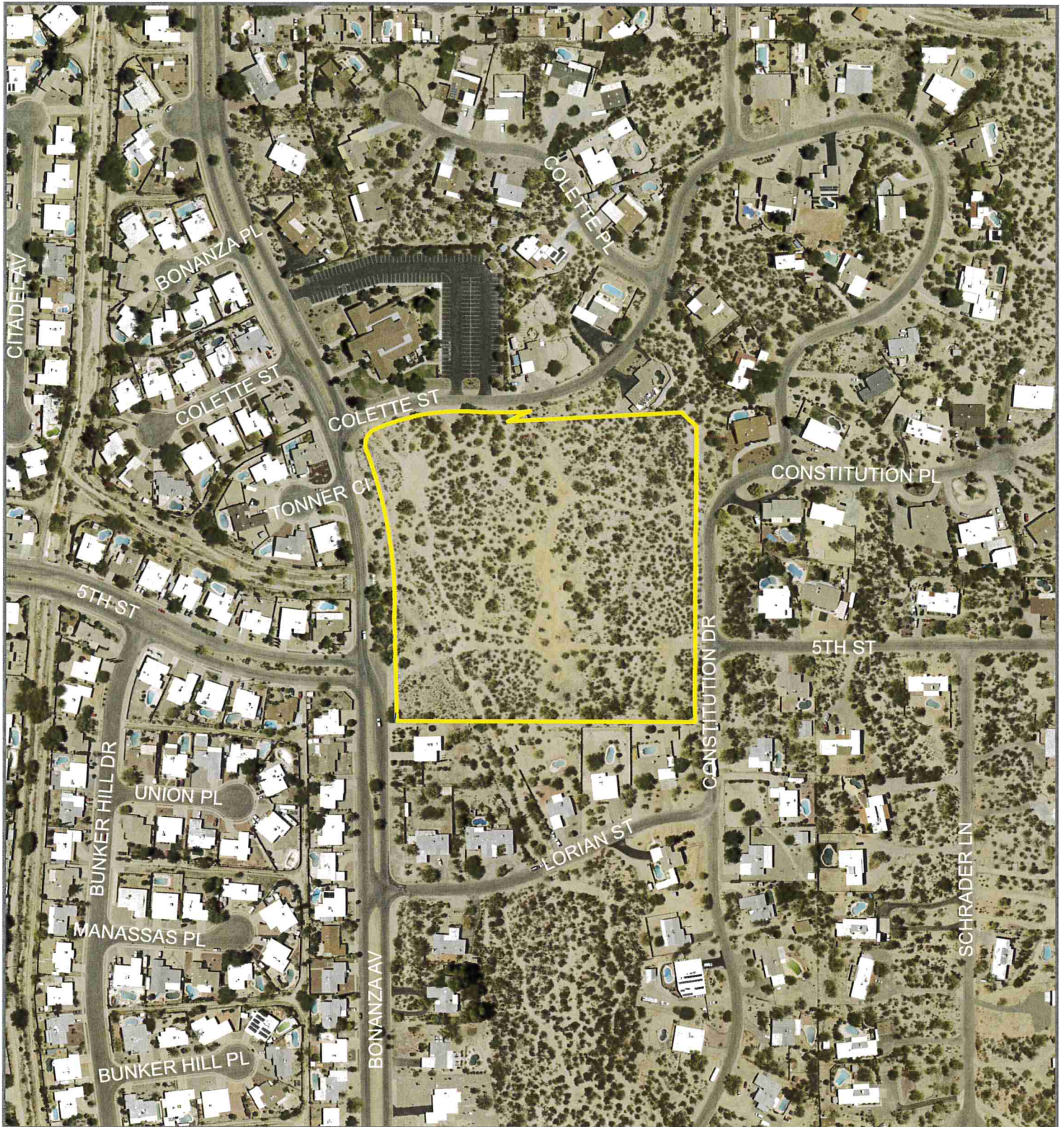
This form has been approved by the City Attorney.

**C9-18-12 Bonanza 550 LLC - Bonanza Avenue**  
**Rezoning Request: From SR to RX-2**



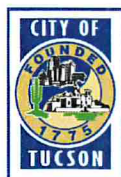


**C9-18-12 Bonanza 550 LLC - Bonanza Avenue**  
Rezoning Request: From SR to RX-2



Subject Property

Address: 600 N. Bonanza Ave.  
Base Maps: Twp.14S Range15E Sec. 11  
Ward: 2



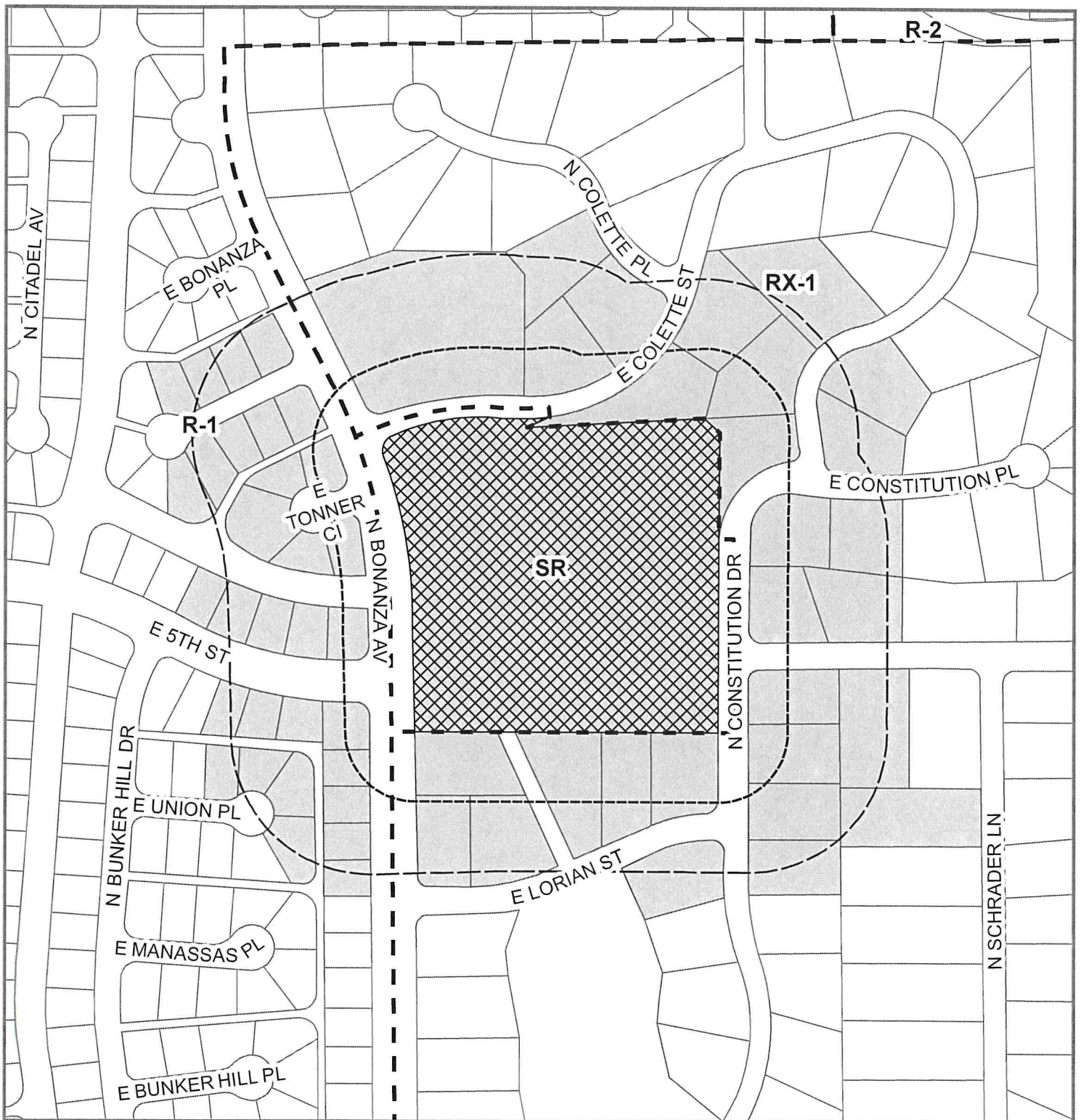
0 150 300 Feet  
1 inch = 300 feet



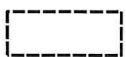


# C9-18-12 Bonanza 550 LLC - Bonanza Avenue

Rezoning Request: From SR to RX-2



Subject Property



Protest Area (150-foot Radius)



Notification Area (300-foot Radius)



Zone Boundaries



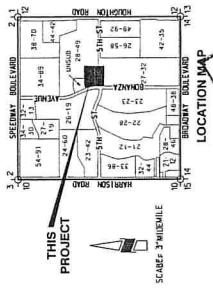
Properties Notified

Address: 600 N. Bonanza Ave  
Base Maps: Twp.14S Range15E Sec. 11  
Ward: 2

0 150 300 Feet

1 inch = 300 feet





**Re zoning**  
**Preliminary Development Plan**  
**C9-18-12 Date 10/11/18**  
**CREVISED**  
**Planning & Development Services**

**TABULATIONS:**

SITE AREA: 10.4 ACRES  
 EXISTING ZONE: SR  
 PROPOSED ZONE: RX-2  
 NUMBER OF LOTS: 23  
 USE: RX-2 - FLD STANDARDS  
 CRITERIA: REQUIRED/ALLOWED PROPOSED  
 SITE AREA: 0 10.4 ACRES  
 MINIMUM LOT SIZE: 12,000 SF  
 RAC: 2.25 2.21 RAC  
 BUILDING HEIGHT: LIMITED TO SINGLE STORY, 22-FEET BY 25'-0"

PERIMETER YARDS:  
 WEST: 21' OR HT\*\* 21' OR HT\*\*  
 BONANZA AVE: 21' OR HT\*\* 21' OR HT\*\*  
 NORTH: 20' 20'  
 COLETTE ST: 21' OR HT\*\* 21' OR HT\*\*  
 CONSTITUTION AVE: 21' OR HT\*\* 21' OR HT\*\*  
 \*\* FROM TRAVEL LANE

PARKING DATA:

SITE PARKING	REQUIRED	PROVIDED
RESIDENTIAL:		
12 SP/DRIVE X 23 DU	46	46
VISITOR:		
12 SP/DRIVE X 23 DU	5	5
TOTAL:	52	52
LANDSCAPE BORDER:	REQUIRED	PROVIDED
BONANZA AVE	10'	10'
COLETTE ST	10'	10'
CONSTITUTION AVE	10'	10'
OPEN SPACE	REQUIRED	PROVIDED
FUNCTIONAL		
109 SF (0.0423)	7,801 SF	13,500 SF

**PRELIMINARY DEVELOPMENT PLAN**

**BONANZA 550, LLC**

A PORTION OF SECTION 11, TOWNSHIP 14 SOUTH RANGE 15 EAST, GILA & SALT RIVER MERIDIAN, TUCSON PIMA COUNTY, ARIZONA.

SHEET 1 OF 1

DATE: 10/11/18

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**RICK**  
 SUBMITTAL COMPANY  
 1000 N. GILBERT AVENUE, SUITE 100  
 TUCSON, ARIZONA 85712  
 (520) 795-1000  
 FAX (520) 795-1001  
 WWW.RICKSCONCEPTS.COM  
 Rick's East Fort Lowell Road Suite 111  
 Tucson, AZ 85712  
 (520) 795-1000  
 FAX (520) 795-1001  
 WWW.RICKSCONCEPTS.COM



## Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning and Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

**Approvals and protests must have an owner's signature to be recorded.**

If protests are filed from property owners representing 20% or more by area in any quadrant of the area located within a 150 foot radius of the parcel(s) on which the rezoning is proposed, an affirmative vote of  $\frac{3}{4}$  of the Mayor and Council will be required to approve the rezoning ordinance.

**Case: C9-18-12 Bonanza 550 LLC – Bonanza Avenue, SR to RX-2 Zoning Ward 2**

\_\_\_\_\_  
I/We the undersigned property owners, wish to

- ☐ APPROVE the proposed rezoning.  
☐ PROTEST the proposed rezoning.

**Reason:**

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PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner's Signature: \_\_\_\_\_ Date \_\_\_\_\_

Place  
Stamp  
Here

City of Tucson  
**Planning and Development Services Department**  
Rezoning Section  
201 N. Stone  
P.O. Box 27210  
Tucson, Arizona 85726-7210

C9-18-12

Expose this flap - Affix stamp and return

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City of Tucson PMc  
Planning and Development Services  
Department -Rezoning Section  
201 N. Stone Avenue  
P.O. BOX 27210  
Tucson, Arizona 85726-7210

C9-18-12

IMPORTANT REZONING NOTICE ENCLOSED

F:\Sharedir\REZONING\Rezoning TEMPLATES\ZE mailout